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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.3206, a bill providing comprehensive **CAMPAIGN FINANCE** revisions. The bill provides for revised campaign finance disclosure requirements, enhanced penalties for campaign practice violations, and revised requirements for lobbyists and lobbyist principals. Most notably, these revisions include:

- **Disclosure by Political Parties:** The bill requires political parties, legislative caucus committees, and party committees to disclose anything of value that is received in excess of a \$500 threshold. This includes all funds received for operating expenses, "party-building" expenses, and other funds commonly referred to as "soft money."
- **Required Reporting of Independent Expenditures:** H. 3206 adds a "person who makes independent expenditures of \$500 or more during an election cycle for the purpose of influencing the outcome of an elective office" to the group of persons and entities that must file disclosure reports.
- **Disclosure for Influencing the Outcome of Elections:** The bill further defines the term "influence the outcome of an elective office" for purposes of clarifying who has to file disclosure reports. The revised definition would include campaign slogans or individual words that can only reasonably be interpreted to urge the election or defeat of a clearly identifiable candidate such as "Smith's the One", "Jones 2000", "Smith/Jones", "Jones!", or "Smith-A man for the People!".
- **Reporting by Ballot Measure Committees:** The bill defines "ballot measure committees" and makes such committees subject to reporting and disclosure requirements. This definition includes a person or persons who receives contributions or makes independent expenditure totaling \$500 or more during an election cycle for the purpose of influencing the outcome of a ballot measure.
- **Penalty Enhancements:** H. 3206 eliminates the \$500 cap on civil penalties for failure to file disclosure reports. Currently, a person who violates this provision must pay a mandatory \$100 penalty if the report is not filed within 5 days of due date plus \$10 per day after notice is sent to the delinquent filer but only up to a \$500 cap. The bill creates a new penalty for intentional campaign practice violations and certain reporting violations. It adds a fine of up to 500% of the amount of contributions and anything of value that should have been reported to the current penalty of not less than \$5,000 and/or imprisonment for not more than 1 year.
- **Identification by Candidates and Committees:** Currently, candidates, committees or other persons are required to place their name and address on all printed matter which is distributed or posted to voters. The bill revises

this provision so as to require the name and address be printed in all capital letters and in twelve-point type.

- **Exploratory Committees:** The bill revises the definitions of "candidate" and "contribution" to apply the Ethics Act to exploratory candidates and committees. The legislation provides that a candidate includes persons exploring whether or not to seek election and a contribution includes anything of value given to a candidate to explore whether or not to seek election.
- **Lobbyists and Lobbyist's Principals:** The bill revises provisions relating to registration fees for lobbyists and lobbyist's principals, raising the fees from \$50 to \$100 dollars. The bill eliminates provisions that allow for the immediate deregistration of lobbyists and lobbyist's principals. Instead, the legislation requires that a lobbyist's and a lobbyist's principal's registration with the State Ethics Commission is valid for the entire calendar year for which the lobbyist/lobbyist's principal is registered and that all pertinent provisions and prohibitions apply for the entire calendar year. The legislation revises the schedule for reporting lobbying activities, providing for two, rather than the current three, reports each year.

The House amended, approved, and sent to the Senate **H.3208**, a bill pertaining to **OVERSIGHT OF PUBLIC ECONOMIC DEVELOPMENT INITIATIVES** conducted by the South Carolina Department of Commerce and the Coordinating Council for Economic Development. This bill provides that monies constituting a fund of any kind used by the Department of Commerce, regardless of their source, are public monies subject to all accountability and disclosure requirements governing public monies. Any exemptions require formal approval by the State Budget and Control Board. The bill requires an annual report of Department of Commerce expenditures to the Governor and the General Assembly that must include an explanation of the specific purpose of each expenditure including recreational or entertainment purposes. The bill provides that funds from foundation grants and private funds used by the Coordinating Council for Economic Development to enhance economic growth and development are public monies subject to all accountability and disclosure requirements governing public monies unless otherwise exempted. The bill revises provisions specifying information that is exempt from disclosure under the Freedom of Information Act, so as to provide that a document reflecting the final financial commitment by a public body is a covered document of, or incidental to, a proposed contractual arrangement and a proposed sale or purchase of property and therefore subject to disclosure as prescribed. The bill provides that a contract related to efforts or activities of a public body to attract or retain business or industry to invest in this state is exempt only until the business or industry publicly announces its project or the council executes a final contract. The bill provides that documentation of efforts or activities of a public body or one acting for a public body to attract or retain business or industry to invest within South Carolina is exempt from disclosure unless the documents relate to the financial commitment by a public body, which documentation loses its exemption once the business or industry has publicly announced its project or the council has executed a final

contract. The competitive rates quoted by the South Carolina Ports Authority would also remain exempt from disclosure under the legislation.

The House approved and sent to the Senate **H.3207**, a bill that provides for **SHORTENING THE LEGISLATIVE SESSION BY REVISING THE TIME OF ANNUAL ADJOURNMENT**. This bill changes the date for the mandatory adjournment of the General Assembly from the first Thursday in June to the second Thursday in May. The bill also provides that in any year that the House of Representatives fails to give third reading to the appropriations bill by March fifteenth, rather than March thirty-first, the date of adjournment is extended by one statewide day for each statewide day after March fifteenth, rather than March thirty-first, that the House fails to give the bill third reading.

The House approved and sent to the Senate **H.3209**, a **PROPOSED CONSTITUTIONAL AMENDMENT TO SHORTEN THE LEGISLATIVE SESSION BY REVISING ANNUAL COMMENCEMENT**. This joint resolution proposes an amendment to the Constitution of South Carolina, relating to sessions of the General Assembly, so as to provide for annual sessions of the General Assembly commencing at varying times in even-numbered years and odd-numbered years. Under the proposed amendment, the annual session of the General Assembly would convene on the second Tuesday of January in even-numbered years and on the second Tuesday in February in odd-numbered years. The Senate, like the House of Representatives, would meet on the first Tuesday following the certification of the election of their respective members for not more than three days following the general election in even-numbered years for the purpose of organizing and elections. Officers of the General Assembly, including the Speaker of the House and the President Pro Tempore of the Senate, and committee chairmen would be selected during the organizational session. During odd-numbered years, the presiding officers of the House and Senate would convene on the second Tuesday in January for not more than two days for the limited purpose of accepting any bills or resolutions introduced by any member and referring them to the appropriate committee. Members of the General Assembly would not receive any compensation for more than forty days of any one session. The proposed amendment provides for other revisions regarding the elimination of certain obsolete language.

The House approved and sent to the Senate **H.3233**, a bill to designate the **GOLDENROD THE OFFICIAL STATE WILDFLOWER**.

HOUSE COMMITTEE ACTION

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, January 28, and reported out two bills.

The committee took up H.3354 pertaining to **AT-WILL EMPLOYMENT** and reported out similar legislation as committee bill H.3448. H.3448 revises South Carolina's at-will employment doctrine in light of recent court rulings under which employers who use employee handbooks, even with conspicuous disclaimers and employee acknowledgements, may inadvertently create a contract of employment that replaces the intended at-will employment relationship. Under the bill, no handbook, policy, procedure, or other document issued by an employer or its agent may form an express or implied contract of employment, unless: (a) the contract is in writing; (b) the contract is signed by the employee and an authorized agent of the employer; and (c) the contract expressly provides that the parties intend to alter their at-will employment relationship. The legislation applies to both public and private employment. Under an at-will employment relationship, any employment for an indefinite term is terminable by either the employee or the employer for any reason or for no reason without incurring liability for wrongful discharge.

The committee gave a report of favorable with amendment on H.3344, a bill providing that **BROADBAND SERVICE IS EXEMPT FROM REGULATION BY THE PUBLIC SERVICE COMMISSION**. The legislation exempts from PSC regulation broadband service which is defined as any service that is used to provide access to the Internet and consists of the offering of: (a) a capability to transmit information at a rate that is generally not less than one hundred ninety kilobits per second in at least one direction; or (b) any service that combines computer processing, information storage, and protocol conversion to enable users to access Internet content and services.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3416 *BIRD SANCTUARIES* Rep. Keegan

This bill designates as bird sanctuaries, two specified areas in and around Murrell's Inlet and Surfside Beach.

EDUCATION AND PUBLIC WORKS

H.3418 SCHOOL BUILDINGS Rep. Townsend

This bill revises requirements for construction, improvement, and renovation of public school buildings and property. Revisions include a requirement for annual review and updating of the South Carolina School Facilities Planning and Construction Guide by a specially appointed committee; a requirement that the State Department of Education inspect public school construction, improvements, and renovation; and a requirement that a certificate of occupancy be obtained (after review and approval by the State Fire Marshall) from the State Superintendent of Education or the superintendent's designee before a building may be occupied.

H.3422 WAIVER TO SCHOOL BUILDING CODES Rep. Hinson

This bill authorizes the State Superintendent of Education to grant a waiver to a school district which applies to applicable school building codes relating to minimum lot size requirements or building square foot requirements for construction of a new public school building or for the conversion of an existing commercial building into a public school facility. The bill provides that this authority supercedes building codes and supercedes any local authority's disapproval of variances granted by the waiver.

H.3441 S.C. HIGHER EDUCATION EQUALIZATION PROGRAM Rep. Howard

This bill establishes and provides for the South Carolina Higher Education Equalization Program, to be funded by appropriations from the Education Lottery Account. The bill requires the Commission on Higher Education to enter into contracts with and provide grants to eligible private, historically black colleges and universities to enhance the educational opportunities of low-income, educationally and socially disadvantaged students through methods and programs which are specified in the bill.

H.3449 NAMING OF PUBLIC BUILDINGS OR HIGHWAYS Rep. E.H. Pitts

This bill provides that all or part of a public building or a part of the state highway system may not be named for a living person who has served as a state officer unless at the time of the naming the person to be honored has not occupied a state office for at least five consecutive years.

H.3459 MOTOR VEHICLE HEAD LAMPS Rep. G.M. Smith

This bill provides that a motor vehicle, motorcycle, or motor-driven cycle may not be equipped with colored or tinted head lamps.

H.3465 SCHOOL TERM IN CERTAIN GREENWOOD/LAURENS COUNTY SCHOOLS Rep. Pinson

This bill provides that, beginning with the 2003-2004 school year, the annual start and end dates for school terms in specified school districts in Greenwood and Laurens Counties must be set by the local school board, provided the dates comply with relevant statutes relating to length of school term.

H.3466 "YIELD TO PEDESTRIANS" TRAFFIC SIGNS Rep. F.N. Smith

This bill requires that "Yield to Pedestrians" traffic signs must be erected along intersections where a motor vehicle lawfully may complete a right turn after being directed to stop by a traffic control signal.

H.3468 SPECIAL LICENSE TAGS FOR DISABLED Rep. J. Brown

This bill provides for the issuance of special motorcycle license tags to certain disabled persons.

H.3470 SCHOOL TERM IN SALUDA Rep. Frye

This bill provides that, beginning with the 2003-2004 school year, the annual start and end dates for school term in Saluda School District One must be set by the local school board, provided the dates comply with relevant statutes relating to length of school term.

H.3472 WAIVER TO SCHOOL BUILDING CODES Rep. Lourie

This bill authorizes the State Superintendent of Education to grant a waiver to a school district which applies to applicable school building codes relating to minimum lot size requirements or building square foot requirements for construction of a new public school building or for the conversion of an existing commercial building into a public school facility. The bill provides that this authority supercedes building codes and supercedes any local authority's disapproval of variances granted by the waiver.

H.3485 FUNDING ALLOCATIONS TO ASSIST UNDER-PERFORMING STUDENTS Rep. Moody-Lawrence

This bill provides that in allocating the use of additional funding to assist under-performing students under the Education Accountability Act, school districts shall allocate at least twenty-five percent of these funds to infrastructure resources designed to help these students.

H.3487 TESTING UNDER THE EDUCATION ACCOUNTABILITY ACT Rep. Moody-Lawrence

This bill provides that under the Education Accountability Act test performance must not be the sole determinant in decisions regarding promotion, retention, or grouping of students or the performance of schools. The bill further provides for the manner in which standardized tests may be considered for these decision-making purposes.

JUDICIARY

H.3423 DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION

Rep. Talley

This bill revises provisions relating to driving with an unlawful alcohol concentration, so as to lower the minimum alcohol concentration level that is illegal from ten one-hundredths of one percent to eight one-hundredths of one percent.

H.3425 DISMISSAL OF IMMEDIATE POSSESSION OF DRIVER'S LICENSE VIOLATION

Rep. Harrison

This bill revises the requirement that a licensed driver have his license in his immediate possession when operating a motor vehicle, so as to clarify the circumstances under which a violation of the provision must be dismissed. The bill provides that a charged violation of this provision must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

H.3426 SCOPE OF STATE COMMISSION FOR MINORITY AFFAIRS

Rep. Cobb-Hunter

This bill revises provisions relating to the membership, powers, and duties of the State Commission for Minority Affairs so as to: add two statewide appointees to the commission; eliminate obsolete language; include African Americans, Native American Indians, Hispanics/Latinos, Asians, and others within the minority community; and to further prescribe certain powers and duties of the commission relating to recognition of Native American Indian entities, establishing certain advisory committees, and seeking funding for implementing programs and services for African Americans, Native American Indians, Hispanics/Latinos, and other minority groups.

H.3432 CIVIL LAWSUIT PROTECTION FOR PRESCRIBERS OF DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION

Rep. Davenport

This bill provides for certain civil lawsuit protection for physicians, optometrists, nurse practitioners, and physician assistants who prescribe drugs approved by the federal Food and Drug Administration.

H.3433 COURT-ORDERED CHILD CONTACT FOR GRANDPARENTS/OTHERS

Rep. Sinclair

This bill establish procedures and criteria for standing whereby a grandparent or another individual with a parent-like relationship with a child may petition the family court to obtain court-ordered contact with the child.

H.3434 PROPOSED CONSTITUTIONAL AMENDMENT FOR APPOINTMENT OF COMPTROLLER GENERAL BY GOVERNOR

Rep. Cotty

This joint resolution proposes an amendment to the South Carolina Constitution under which the Comptroller General would no longer be elected but would, instead,

be appointed by the Governor, with the advice and consent of the General Assembly, to serve at the Governor's pleasure.

H.3435 PROPOSED CONSTITUTIONAL AMENDMENT FOR APPOINTMENT OF COMMISSIONER OF AGRICULTURE BY GOVERNOR Rep. Cotty

This joint resolution proposes an amendment to the South Carolina Constitution under which the Commissioner of Agriculture would no longer be elected but would, instead, be appointed by the Governor, with the advice and consent of the General Assembly, to serve at the Governor's pleasure.

H.3442 PURCHASE OF MULTIPLE PISTOLS AUTHORIZED Rep. Sandifer

This bill revises provisions relating to the application a person must complete before purchasing a pistol, and restrictions placed on a person who purchases a pistol, so as to eliminate the provisions that prohibit a person from purchasing more than one pistol on an application, purchasing more than one pistol during each thirty-day period, and the exceptions to these provisions.

H.3450 UNLAWFUL FOR MOTORIST TO MISLEAD LAW ENFORCEMENT OFFICER ABOUT IDENTITY Rep. Toole

This bill provides that it is unlawful for a person operating a motor vehicle to knowingly and willfully give false information to a law enforcement officer regarding his identity.

H.3451 INCREASED FINES TO FUND LAW ENFORCEMENT INITIATIVES
Rep. Toole

This bill increases fines imposed for driving with canceled, suspended, or revoked license and fines imposed for driving under the influence or driving with an unlawful alcohol concentration. The bill provides that a portion of these increased fines is to be transferred to the state, county, or municipal governmental body whose law enforcement division charged the person with the offense and must be used for law enforcement salary increases, to hire additional law enforcement officers, and to purchase law enforcement equipment.

H.3453 REVISED PENALTY FOR DRUG PARAPHERNALIA OFFENSES
Rep. Toole

This bill revises provisions relating to the unlawful advertisement for sale, manufacture, sale, delivery, or possession with intent to sell or deliver paraphernalia relating to controlled substances, so as to make technical changes, and to revise the penalties.

H.3455 MISUSE OF VITAL STATISTICS Rep. Talley

This revises provisions relating to the misuse of birth certificates and other records and reports of vital statistics. The bill provides that person who violates provisions concerning the misuse of these records is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

H.3460 CARETAKERS OF ELDERLY/DISABLED MAY BE EXCUSED FROM JURY DUTY Rep. Jennings

This bill revises provisions relating to excusing jurors for good cause, so as to provide that a person who is the primary caretaker of a person sixty-five years of age or over or of a severely disabled person who cannot otherwise care for himself or be left unattended may be excused from jury duty by the presiding judge.

H.3464 ELIMINATION OF AGRICULTURE COMMISSION Rep. Witherspoon

This bill eliminates provisions relating to the Agriculture Commission and provides that the powers, duties, and functions of the commission are devolved upon the Department of Agriculture.

H.3467 REQUIRED ANNEXATION PROHIBITED AS CONDITION FOR EXTENSION OF MUNICIPAL SERVICES Rep. Huggins

This bill provides that a municipality extending water, sewer, or electric services to nonresidents is prohibited from requiring annexation as a condition of the receipt of the services.

H.3469 CELLULAR PHONE USE AND RECKLESS DRIVING Rep. M. A. Pitts

This bill provides that a person who causes an accident when driving a vehicle while operating a cellular telephone is guilty of the offense of reckless driving.

H.3473 GRAVE ROBBERY/DESECRATION Rep. Jennings

This bill revises provisions relating to the destruction or desecration of human remains or repositories of human remains, so as to provide that it is unlawful for a person to steal anything of value from certain repositories of human remains. The bill revises penalties so as to eliminate the misdemeanor offense and add community service to the penalties for the felony offense.

H.3475 COUNTIES REQUIRED TO RECOGNIZE MARTIN LUTHER KING, JR. DAY AS HOLIDAY Rep. F. N. Smith

This bill provides that the third Monday of January of each year, Martin Luther King, Jr. Day, must be recognized by each county of this State as a county holiday.

H.3477 HOUSE OF REPRESENTATIVES FRIVOLOUS LAWSUIT STUDY COMMITTEE Rep. Davenport

This house resolution establishes the House of Representatives Frivolous Lawsuit Study Committee, provides for its membership, duties, and duration, and requires the committee to make its report and recommendations to the House no later than January 14, 2004.

H.3480 TIME LIMITS FOR LEGAL ACTIONS CONCERNING UNSAFE/DEFECTIVE IMPROVEMENTS TO REAL PROPERTY
Rep. Kirsh

This bill revises provisions relating to legal actions based upon a defective or unsafe condition of an improvement to real property, so as to establish an outside limitation of six years after substantial completion of the improvement for bringing the action.

H.3482 *LAWFULLY SECURED PISTOLS* Rep. Bingham

This bill revises exceptions to the prohibition against carrying a pistol so as to clarify that a person may carry a pistol in any home, on real property, or at a fixed place of business if the person has the permission of the owner or person in legal possession or control of the property. The bill provides an exception for transferring a pistol between one's person and a secured compartment in one's car. The bill clarifies that it is not a violation of the exception allowing a pistol to be secured in a glove compartment if the compartment is opened to retrieve certain motor vehicle documents in the presence of a law enforcement officer. The bill provides an exception for transferring a pistol between any of the provided exceptions.

H.3483 *DEPARTMENT OF NATURAL RESOURCES GOVERNED BY DIRECTOR RATHER THAN BOARD* Rep. Miller

This bill eliminates the Board of the Department of Natural Resources and transfers the board's powers, duties, and functions to the Department of Natural Resources. The bill provides that a director appointed by the Governor is the governing authority of the Department of Natural Resources.

H.3490 *PROPOSED CONSTITUTIONAL AMENDMENT TO REPLACE MINIBOTTLE LIQUOR RESTRICTIONS* Rep. Cotty

This joint resolution proposes to amend the South Carolina Constitution so as to eliminate the detailed requirements for the regulation of alcoholic liquors and beverages, including the provision that on-premises establishments are licensed to sell alcoholic liquors and beverages only in sealed containers of two ounces or less, and to, instead, authorize the General Assembly to regulate the sale of alcoholic liquors and beverages.

H.3491 *PROPOSED CONSTITUTIONAL AMENDMENT ON STATE GOVERNMENT RESTRUCTURING* Rep. Sheheen

This joint resolution proposes several amendments to the South Carolina Constitution relating to state government restructuring. The legislation proposes that the Adjutant General, Commissioner of Agriculture, and Superintendent of Education be removed from the list of state officers who must be elected and provides, instead, that these officers be appointed by the Governor, upon the advice and consent of the Senate, to serve at the pleasure of the Governor and to be removable by him for any reason. The legislation specifies the manner required for appointment of the Adjutant General. The legislation proposes a constitutional amendment to abolish the office of Secretary of State, and provides for its functions and duties to be devolved upon the Attorney General in the manner the General Assembly shall provide by law. The legislation proposes a constitutional amendment to abolish the State Board of Education effective upon the State Superintendent of Education being appointed by the Governor.

LABOR, COMMERCE AND INDUSTRY

H.3415 MANUFACTURED HOME PARK LEASES Rep. Keegan

This bill revises manufactured home park leases, so as to require that in such leases for ten years or more the renewal lease amount may not exceed the original lease amount adjusted for increases in the consumer price index over the term of the lease, plus twenty percent of the adjusted amount.

H.3428 LOAN TRANSACTIONS Rep. Cotty

This bill provides that political subdivisions may not regulate or otherwise limit the financial activities of a lender subject to state or federal jurisdiction. The bill requires the administrator of the Department of Consumer Affairs to provide education programs to promote consumer financial and credit responsibility. The bill prohibits certain lending activities and requires certain disclosures in connection with a covered consumer home loan. The bill regulates the payment of a home improvement contractor from the proceeds of a home loan. The bill provides that South Carolina law applies in a consumer loan transaction secured by the dwelling place of a legal resident of this state. The bill revises provisions relating to the change of dollar amounts in the Consumer Protection Code, so as to include the amount of a loan limit for prepayment without penalty. The bill revises provisions relating to the filing and posting of a maximum interest rate schedule by a consumer lender, so as to increase the filing fee to forty-five dollars and to earmark the increase for expenditure for consumer credit education programs. The bill revises provisions relating to authority to make a supervised loan, so as to prohibit the unlicensed taking of an assignment of or the direct collection of a supervised loan. The bill revises provisions relating to prepayment without penalty of certain loans, so as to increase the loan limit from one hundred thousand dollars to one hundred fifty thousand dollars.

H.3429 REPEAL OF PROVISION REGARDING RESPONSIBILITIES OF LANDLORDS AND TENANTS FOR UTILITIES, WATER, SEWERAGE, AND GARBAGE SERVICES Rep. Cotty

The bill repeals the current provision of law under which, unless otherwise agreed in writing, a tenant has sole financial responsibility for gas, electric, water, sewerage, or garbage services provided to the premises the tenant leases, and a landlord is not liable for a tenant's account. The provision repealed by this bill also specifies that an entity or utility providing gas, electric, water, sewerage, or garbage services must not: (1) require a landlord to execute an agreement to be responsible for all charges billed to premises leased by a tenant; or (2) discontinue or refuse to provide services to the premises the tenant leases based on the fact that the landlord refused to execute an agreement to be responsible for all the charges billed to the tenant leasing that premises.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3421 DEFINITIONS OF PRACTICE OF DENTISTRY Rep. G.M. Smith

Relating to definitions for the practice of dentistry, this bill clarifies that dental procedures performed on structures adjacent to the oral cavity are procedures performed on the jaw and skull related to oral health, and these procedures do not include certain, specified surgical procedures.

H.3427 GUIDE DOGS AND RIGHTS OF DISABLED PERSONS Rep. Lourie

This bill, cited as "Layla's Law," provides for the protection of guide dogs and service animals which assist disabled persons. The bill makes it unlawful, in specified circumstances, for a person to interfere or to allow his dog to interfere, with the use of a guide dog or service animal or its user. The bill also makes it unlawful to recklessly injure, disable, or cause the death of a guide dog or service animal or to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the animal or animal user of his guide dog or service animal. The bill provides that such violations are a misdemeanor and the bill provides penalties and requires restitution for each offense.

WAYS AND MEANS

S.232 REPEAL OF NURSING HOME FRANCHISE FEE Sen. J. Verne Smith

This bill repeals Act 370 of 2002, which is a joint resolution imposing a monthly, formula-driven nursing home franchise fee beginning February 1, 2002.

H.3417 RETIREE INSURANCE COVERAGE Rep. Keegan

This bill requires a regional council of government participating in the state health and dental insurance plans to fund retiree insurance coverage in accordance with procedures established for retired state and school district employees.

H.3419 VACATION TIME SHARING PLANS Rep. Snow

This bill provides that the exemption from the state sales tax for the proceeds from the sale or exchange of a vacation time sharing plan is authorized only if the sale or exchange is recorded in the public records of the county in which the property is situate.

H.3424 LIMITATION ON STATE APPROPRIATIONS Rep. Harrell

This bill proposes to amend the State Constitution so as to delete the existing limitation on state appropriations and impose a new limit which would be the lesser of 106% of base-year appropriations, or base-year appropriations increased by a percentage formula based on the State's growth in population and any increases in the consumer price index. The limit would be effective beginning with fiscal year 2005 appropriations.

The bill also proposes to amend the Constitution so as to establish a Spending Limit Reserve Fund, comprised of all general fund revenues accumulated in a fiscal year in

excess of the appropriations limit, and available for appropriation by the General Assembly in the year following the close of the applicable fiscal year. The bill delineates purposes for which these funds may be appropriated.

The bill provides that notwithstanding the requirement for passage of constitutional amendments and subsequent ratification to make these provisions effective, the General Assembly shall conform to these provisions beginning with fiscal year 2005 appropriations, to the extent appropriations allowed under the bill do not exceed the then applicable spending limit.

H.3431 *TRANSFER OF EMPLOYEE LEAVE* Rep. Davenport

This bill allows an employee to request transfer of accrued annual or sick leave to an employee of the same agency to be used by the receiving employee for absences occurring due to circumstances approved by the agency director on a case-by-case basis.

H.3452 *LEAVE FOR CERTAIN LAW ENFORCEMENT OFFICERS* Rep. Toole

This bill provides that a full-time commissioned law enforcement officer who in the line of duty is assaulted or injured while arresting or attempting to arrest a person may be placed on administrative leave with pay by his employer rather than sick leave.

H.3456 *SALES TAX EXEMPTION FOR MEDICAL EQUIPMENT* Rep. Keegan

This bill provides a sales tax exemption for the gross proceeds of sales or sales price of durable medical equipment and related medical supplies, any part of the cost of which is eligible for Medicare or Medicaid reimbursement, and which equipment or supplies are sold by written prescription or certificate of medical necessity.

H.3457 *PARTICIPATION IN STATE HEALTH AND DENTAL INSURANCE PLANS* Rep. McCraw

This bill allows a member of the governing board of a special purpose district and his eligible dependents to participate in the state health and dental plans upon paying the full premium cost of their coverage.

H.3458 *CAPITAL PROJECT SALES TAX* Rep. Rivers

This bill provides that for good cause shown, the Department of Revenue may waive its timely notice requirement for purposes of determining the imposition date of the capital project sales tax.

H.3471 *JOINT BUDGET TASK FORCE* Rep. Lourie

This joint resolution establishes and provides for the Joint Budget Task Force to review the state budget and appropriation process, specifically the State's spending priorities as determined and funded through that process. The bill requires the task force to recommend changes in the State's budget and appropriation structure necessary to instituting a "zero based" state budget process. The task force is required to report to the General Assembly and the Governor by December 31, 2003, at which time the task force is abolished.

H.3481 DISPOSAL FEE ON NEWSPAPERS Rep. White

This bill creates and provides for a disposal fee on certain daily newspapers in Anderson County and provides that fee revenue must be credited to a separate fund and used for anti-litter and newsprint recycling programs.

H.3484 CHARITABLE CONTRIBUTIONS Rep. Altman

Relating to modifications to South Carolina taxable income for purposes of the State income tax, this bill disallows amounts deducted by an individual on that individual's federal income tax return for charitable contributions to entities who apply less than seventy-five percent or total amount collected to the entity's charitable purpose.

H.3486 ELIGIBILITY FOR STATE HEALTH AND DENTAL INSURANCE PLANS Rep. Moody-Lawrence

This bill provides that school bus drivers employed by a school district are considered full-time school district employees for purposes of state health and dental insurance plans regardless of the number of hours they work.

H.3488 CIGARETTE TAX Rep. Lourie

This bill imposes and provides for an additional license tax on each cigarette of 2.65 cents. The revenue would be applied to the Medicaid Match Fund.

H.3489 ALCOHOLIC BEVERAGES Rep. Cotty

This bill makes it lawful to sell and consume alcoholic beverages by the drink, as well as in minibottles as is currently provided. The bill deletes the current section (12-33-245) regarding minibottle tax and allocations to counties for alcohol and drug education and rehabilitation purposes, and provides for a five percent sales tax on the gross proceeds of the sale of alcoholic beverages by the drink or in minibottles for on-premises consumption. These provisions would be effective on the first day of July after the ratification of an amendment offered in the 2004 general election authorizing the sale of liquor by the drink.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "ELECTRONIC TRACKING" (UNDER "LEGISLATIVE RESOURCES"), THEN CLICKING ON "ADD NEW SUBSCRIPTION RECORD" AND COMPLETING THAT FORM.